

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING



EDMUND G. BROWN JR.
GOVERNOR

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ATTORNEY GENERAL

Date: November 8, 2011

To: All Chiefs, Sheriffs, and EDI Operators

IMMEDIATE ACTION REQUIRED

Subject: **CPRA REQUEST: RELEASE OF PEACE OFFICER INFORMATION**

On October 4, 2011, POST received a California Public Records Act (CPRA) request from the Los Angeles Times, asking for a list of all peace officers from all POST-certified law enforcement agencies, hired or terminated since 1995; and for a list of all active peace officers in the State of California.

This is the third such request in the last three years. The first release followed the California State Supreme Court decision (Commission on POST v. Superior Court of Sacramento County) on February 15, 2008. The second release was on February 22, 2011.

Background:

On August 27, 2007, the California State Supreme Court ruled that some information in the Peace Officer Database, maintained by POST, is public information subject to release pursuant to a CPRA request.

Following five years of litigation, the California State Supreme Court ordered POST to release specified peace officer information contained in the peace officer database for officers hired or separating service from California law enforcement agencies from January 1, 1995, to December 31, 2007. The court decided that the peace officer information required to be released by POST is: the full names of all officers, their employing departments, appointment dates, type and status of appointments and dates officers were hired or left their department(s). The required information was released to the Los Angeles Times on February 15, 2008.

In its decision, the California Supreme Court acknowledged that some peace officers could be at risk if their names were made public. The court remanded the case back to the Sacramento Superior Court to allow POST to "...demonstrate in the superior court that information concerning particular officers should be exempted from disclosure under Government Code sections 6254, subdivision (c) or 6255 and the applicable legal principles set forth in this opinion."

To protect the identity of peace officers assigned to sensitive or hazardous assignments, departments were offered the opportunity to redact the names of what the court recognized as "particular officers." These redactions were made through the encrypted Electronic Data Interchange (EDI) system. The Supreme Court Decision was binding on POST; not the agencies employing the officers in the POST database. Since POST does not have assignment information that might be needed to defend a challenge to specific redactions, agencies were informed that in the event some redactions were challenged, the agency would have to initiate legal action to block POST from disclosure of the information requested. To date, none of the previous redactions have been challenged in either the February 2008 or the February 2011 releases.

Present Request:

To comply with the latest Los Angeles Times request, POST is once again preparing to provide all departments the information requested for release through the EDI system. As in February 2011, the designated EDI operator(s) at each department will be provided, through the EDI system, with a list of officers fitting the criteria of the latest request. This time, the request is for two separate, though somewhat overlapping, sets of data: 1) a list of all peace officers from all California POST-certified law enforcement agencies, hired or terminated since January 1, 1995, and; 2) a list ("snapshot") of all active service peace officers, including reserves, in the state as of November 1, 2011.

As with the February 2011 release, POST will provide a single report that combines the data to be released to EDI operators. Upon receipt of the electronic roster through the EDI system, the agency EDI operator should present this data to the department administration (Chief, Sheriff, or designate) for a determination of which, if any, officers' names should be exempt from disclosure. Previously redacted names remain redacted unless the department head makes revisions to the report, adding and/or deleting redactions, as assignments change.

It is recommended that each department designate only one EDI operator to process the department's response back to POST. Once you (the Chief or Sheriff) have decided which, if any, names are to be protected from release, the designated EDI operator will use the "CPRA" tab in EDI to check the names to withhold and click "Save." If no names are to be redacted, the EDI operator will click the "Do Not Withhold" button to verify they have received this notice. POST will then generate the two files, minus the redacted names, and provide the information as requested.

While there is no court ordered deadline for releasing this updated information, the CPRA does speak to reasonable time frames for release. POST has informed the Los Angeles Times of the intent to comply with the Supreme Court ruling and release the data required by the court. Respecting the intent of the Supreme Court ruling and the letter of the CPRA, it is requested that department's EDI staff transmit the requested information to POST by 5 P.M., Wednesday, November 30, 2011.

Continuing with efforts to "Go Green" and avoid costly mail outs, all chiefs and sheriffs are receiving this notification through their personal e-mail accounts. It will also be posted on the POST home page and all EDI operators will be able to link directly to the letter from their EDI screen. Departments not responding to this request will be contacted by POST EDI staff on Monday, November 28, to confirm there are no forthcoming redactions. Following two to three days of programming and cross checking agency responses, the requested material is expected to be ready for release to the Los Angeles Times by Monday, December 5, 2011.

As always, my staff and I thank you for your assistance and cooperation in responding to this request.

Questions regarding EDI access may be directed to the POST EDI Coordinator, at (916) 227-4807 or (916) 227-4858. Questions specifically related to the CPRA request or the California Supreme Court decision should be directed to Legislative Liaison Karen Lozito, at (916) 227-2085 or Karen.Loizito@post.ca.gov; or to Assistant Executive Director Dick Reed, at (916) 227-2809 or DReed@post.ca.gov.

Sincerely,



PAUL A. CAPPITELLI
Executive Director